

ENTERED

February 19, 2025

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

RALPH SERGENT,

Petitioner,

v.

BOBBY LUMPKIN,

Respondent.

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CIVIL ACTION NO. 2:24-CV-00022

ORDER ADOPTING MEMORANDUM & RECOMMENDATION


Before the Court is Magistrate Judge Jason Libby's Memorandum and Recommendation ("M&R"). (D.E. 15). The M&R recommends that the Court grant Respondent's Motion for Summary Judgment, (D.E. 13), dismiss this case, and deny a certificate of appealability. (D.E. 15, p. 1, 10).

The parties were provided proper notice of, and the opportunity to object to, the Magistrate Judge's M&R. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); General Order No. 2002-13. No objection has been filed. When no timely objection has been filed, the district court need only determine whether the Magistrate Judge's M&R is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam); *Powell v. Litton Loan Servicing, L.P.*, No. 4:14-CV-02700, 2015 WL 3823141, at *1 (S.D. Tex. June 18, 2015) (Harmon, J.) (citation omitted).

Having reviewed the proposed findings and conclusions of the Magistrate Judge, the filings of the parties, the record, and the applicable law, and finding that the M&R is not clearly erroneous or contrary to law, the Court **ADOPTS** the M&R in its entirety. (D.E. 15). Accordingly, the Court **GRANTS** Respondent's motion, (D.E. 13), and **DISMISSES** the petition, (D.E. 1). Finally,

Petitioner fails to make a showing that he is entitled to a certificate of appealability and so the Court **DENIES** a certificate of appealability. The Court will enter final judgment separately.

SO ORDERED.



DAVID S. MORALES
UNITED STATES DISTRICT JUDGE

Signed: Victoria, Texas
February 19, 2025